

## Trafficking in Persons Report 2008 - Cambodia

### CAMBODIA (Tier 2)

Cambodia is a source and destination country for trafficked persons. Women and girls are trafficked for commercial sexual exploitation to Thailand and Malaysia. Some Cambodian men who migrate willingly to Thailand for work are subjected to conditions of forced labor in the Thai fishing, construction, and agricultural industries; women and girls are trafficked to Thailand for exploitative labor as domestics and some may be forced into prostitution. Some Cambodian male migrant workers returning from India, South Korea, and Malaysia reported being subjected to conditions of forced labor and debt bondage. Children are trafficked to Thailand and Vietnam to beg or work on the streets selling candy or flowers or shining shoes. Some Cambodian women who migrated to Taiwan as the result of brokered international marriages were subsequently trafficked for prostitution. Sex trafficking of women and girls, including ethnic Vietnamese, occurs within the country, from rural areas to the urban areas of Phnom Penh, Siem Reap, and Sihanoukville. Cambodia is a destination for Vietnamese women and girls trafficked for prostitution. Cambodia is also a destination country for foreign child sex tourists, with increasing reports of Asian men traveling to Cambodia in order to have sex with underage virgin girls.

The Royal Government of Cambodia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Cambodia is placed on Tier 2 for the first time since 2004 due to the government's increased engagement in combating trafficking in persons over the previous year. The government created a national anti-trafficking task force to improve the interagency response to trafficking and coordination with civil society, increased law enforcement action against traffickers and complicit officials, and undertook prevention activities. In February 2008, Cambodia's new Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation was promulgated and went into effect immediately. This legislation provides law enforcement authorities the power to investigate all forms of trafficking and is a powerful tool in efforts to prosecute and convict traffickers and have them face stringent punishments. High-level government officials have spoken publicly about a

"zero-tolerance" policy for officials profiting from or colluding in trafficking in persons.

**Recommendations for Cambodia:** Continue implementation of the comprehensive anti-trafficking legislation; provide training for law enforcement and government officials on the new law; significantly improve the number of prosecutions, convictions, and punishments of trafficking offenders, particularly in areas outside the capital; make greater efforts to prosecute, convict, and criminally punish public officials complicit in trafficking; hold labor recruiting agencies criminally responsible for labor trafficking by means of fraudulent recruitment; continue to enhance interagency cooperation and collaboration with civil society; create concrete benchmarks for the provincial working groups under the direction of the National Task Force; and increase efforts to prosecute sex tourists and those facilitating commercial sexual exploitation of children.

### **Prosecution**

The Royal Government of Cambodia continued law enforcement efforts to combat trafficking during the last year. In February 2008, Cambodia's new Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation was promulgated and went into effect. The comprehensive law criminalizes all forms of trafficking, including debt bondage, prescribing penalties for these offenses that are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. Due to resource constraints, the government has not provided reliable statistics on prosecution. The Ministry of Interior (MOI) reported receiving complaints of 53 trafficking cases from April 2007 to March 2008; thirty-five cases were sex trafficking involving 60 victims and 11 were labor trafficking cases involving 106 victims. Police took action on 43 cases. The MOI reported that 65 traffickers were arrested during the reporting period. The Phnom Penh Municipal Court convicted 52 trafficking offenders. The MOI Department of Anti-Trafficking and Juvenile Protection reported 52 cases, involving 65 trafficking offenders that resulted in eight convictions. NGOs reported 19 labor trafficking cases involving legal migrants who ended up in conditions of involuntary servitude in Malaysia, but Cambodian labor recruitment companies usually paid compensation and were not prosecuted for criminal offenses. There were no cases of labor agents being held responsible for the trafficking of migrant workers, or being prosecuted. In February

2008, Prime Minister Hun Sen ordered the Ministry of Commerce to annul business licenses for marriage agencies, calling the business a form of human trafficking.

Corruption is pervasive in Cambodia, and it is widely believed that some individuals, including police and judicial officials, are involved in trafficking. In an important move that sent a signal that corruption will not be tolerated by senior government officials, an investigation into the Chhay Hour II brothel case resulted in the removal of the President of the Appeals Court for trafficking-related corruption. The same investigation resulted in three other judges and one deputy prosecutor of the Appeals Court receiving official letters of reprimand. The MOI Anti-Human Trafficking Juvenile Protection Department Director administratively transferred two police officers who were convicted and sentenced to seven years in prison in 2006 by the Phnom Penh Municipal Court for trafficking-related corruption. While these anti-corruption efforts are laudable, officials involved in trafficking must ultimately be punished with jail time, not merely administrative penalties.

## **Protection**

The Royal Government of Cambodia improved its efforts to provide protection to victims of trafficking, while continuing to rely on NGOs and international organizations. Victims are not treated as criminals or otherwise penalized for acts committed as a result of being trafficked. Law enforcement and immigration officials implemented formal procedures to identify victims among vulnerable groups and refer them to provincial and municipal Departments of Social Affairs. Foreign victims are provided temporary residence in shelters providing legal, educational, and counseling services while awaiting repatriation. There are a limited number of shelters, however, with the ability to provide complete services for foreign victims due to lack of foreign language capabilities. Victims are encouraged by police to participate in investigations and prosecutions of traffickers, but credible fear of retaliation from traffickers still hinders their testimony. Victims may file civil suits and seek legal action against traffickers. Traffickers frequently attempt to pay off victims or their families to cease cooperation with law enforcement or NGOs. The Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) continued to staff an IOM-run Transit Center in Poipet that offers preliminary assessments, family tracing, and reintegration assistance for victims repatriated from Thailand. In 2007, 160 victims trafficked to Thailand were

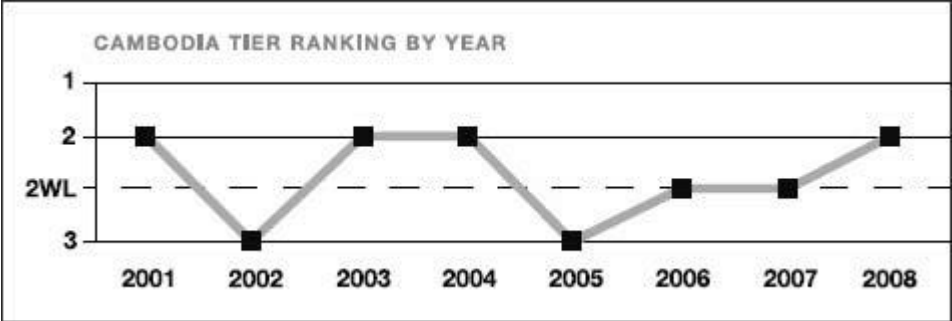
identified by IOM, MOSAVY, and NGOs and referred to the transit center. MOSAVY reported that 188 victims of sex trafficking were referred to them by local police and the MOI reported that 158 victims were rescued in 2007. In December 2007, the Council for Legal and Judicial Reform published a Legal Aid Services Directory for trafficking and other social and legal services on a province-by-province basis.

## **Prevention**

The Royal Government of Cambodia demonstrated solid efforts to prevent trafficking. In April 2007, the government established a National Task Force (NTF) comprising 11 government ministries, three government agencies, and more than 200 international and local NGOs. The NTF has an oversight mechanism known as the "High Level Working Group," chaired by the Deputy Prime Minister and Minister of Interior. This initiative marks the first time the government has coordinated anti-trafficking efforts across government ministries and agencies, and also formally includes civil society. In September, municipalities and provinces began forming their own anti-trafficking working groups led by governors and deputy governors. The provincial working groups are expected to report their activities to the NTF on a bi-weekly basis. In collaboration with civil society, the NTF launched a nationwide anti-trafficking campaign using positive messages incorporating Khmer values and cultural traditions to inspire Cambodians to take action against human trafficking. The campaign emphasized trafficking as a national priority and launched a national dialogue on trafficking via public forums in five provinces across Cambodia.

Government authorities arrested 12 foreigners suspected of child sex tourism (two Americans, one Austrian, two Germans, one Italian, one Briton, two Russians, and three Singaporeans) and charged them with debauchery. Eight were convicted with sentences ranging from 10 to 28 years' imprisonment. In October, Sihanoukville police arrested a wealthy Russian citizen for alleged sexual abuse of underage girls who were trafficked from Phnom Penh. In March 2008, the Phnom Penh court convicted and sentenced him to 13 years in prison. The Cambodian government deported the Americans to the U.S. for subsequent U.S. prosecution under the PROTECT Act. In other efforts to reduce demand for commercial sex acts, the Ministry of Tourism (MOT) collaborated with an NGO to produce and distribute pamphlets and advertisements in tourist brochures warning of the penalties for engaging in child sex tourism. The MOT also held several workshops for hospitality

industry owners and staff on how to identify and intervene in cases of trafficking and commercial sexual exploitation of children by tourists. The MOT also supported the ChildSafe Program, which builds a network of people to protect at-risk children in the main tourist centers of Phnom Penh, Siem Reap, and Sihanoukville.



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